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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1, 3, 7, and 10 (of which Claims 1 and 7 are independent) have been rejected under 35 U.S.C. §102 as being anticipated by Masayuki (JP 03-168985), and Claims 2, 4, 6, 8, 9, 11, 13, and 15-18 (of which Claim 13 is independent) have been rejected under 35 U.S.C. §103 as being unpatentable over Masayuki in view of Smith, USPP 2002/0186492.

To overcome the rejections, the subject matter of allowable Claim 14 has been moved into independent Claim 13, leaving only independent Claims 1 and 7 at issue. Claim 1 has been amended similarly to amended Claim 13, namely, to recite that effects of mechanical shock to the disk drive during read and/or write operations are mitigated in the active region compared to effects of mechanical shock to an archive region on the disk as disclosed on, e.g., page 7 of the present specification and in Figures 2 and 3. To clarify that the archive region of the disk is not, e.g., a spindle motor, Claim 1 has also been amended to recite that data is moved from the active region to the archive region from time to time. Claim 7 now sets forth that an archive region of the disk is established into which data is written from the active region from time to time based at least in part on whether a motion sensing threshold has been reached. Claims 1-4, 6-11, 13, and 15-18 remain pending.

In Masayuki, the relied-upon motion limiting element 13 extends completely across the disk, from the spindle motor 9 (shown in dashed lines in figure 2 of Masayuki) to beyond the outer periphery of the disk. Thus, the effects of mechanical shock on all regions of the disk in Masayuki would appear to be the same.

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Accordingly, leaving aside whether it would have been obvious to establish an archive region and an active region on the disk 5 of Masayuki, Claim 1 is patentably distinct.

Masayuki, as acknowledged in the Office Action, fails to teach or suggest active and archive regions. Smith et al. has been resorted to as a teaching of moving data from an active region to an archive region, but none of the relied-upon portions of Smith et al. appear to contemplate mechanical shock, much less moving data with mechanical shock as a decision parameter. For this reason, it is believed that Claim 7 is patentable.

Dependent Claims 3 and 17 have been narrowed to require that the active region is one and only one of an outer annular region of the disk or an inner annular region of the disk, and dependent Claim 10 has been amended to recite that the active region does not extend into an inner annular region of the disk. Claim 9 has been amended in consonance with the amendment to Claim 7.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

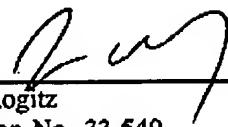
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